THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2673 of 2007

Dated : 29.03.2007

Between:

Dara Polaiah S/o Venkata Subbaiah

…**PETITIONER**

And:

The District Collector, Nellore,
Nellore District and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE V.V.S.RAO
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ORDER:

The land admeasuring Acs.3.20 in Sy.No.8/2 situated at Pidure village of Manubolu Mandal in Nellore District, allegedly belonged to the erstwhile Raja of Venkatagiri. The land was sold to Vallapareddy Prabhakar Reddy and Srinivasulu Reddy under a registered sale deed dated 30.12.1983, from whom the petitioner purchased under a registered sale deed dated 02.03.1984. When Yekollu Dharmaiah and others interfered with the petitioner's possession, the petitioner filed a suit, being O.S.No.278 of 1985, on the file of the Court of the Junior Civil Judge, Gudur, for declaration of title, recovery of possession and mesne profits. The same was decreed, against which the defendants in the suit preferred an appeal, being A.S.No.18 of 1996, before the Senior Civil Judge, Gudur, which was dismissed. The Second Appeal No.210 of 2000, arising there from, is still pending in this Court. Meanwhile, it is alleged that on 27.01.2007 the second respondent allegedly directed his subordinates to grant house site pattas in the land comprised in Sy.No.8/2. The petitioner tried to get redressal from the Sub-Collector, in vain. Therefore, he filed the instant writ petition seeking appropriate declaration and direction.

When the writ petition was heard at preliminary stage on 20.02.2007, the learned Assistant Government Pleader, on instructions, submitted the following. The land admeasuring

Acs.28.75 in Sy.No.8 was owned by Raja of Venkatagiri, who filed a declaration under Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. After the orders of the Land Reforms Tribunal, he surrendered Acs.26.19 of land, which was allotted to twenty seven beneficiaries. The petitioner herein sought for pattadar passbook (PPB) and title deeds in respect of the land claimed by him. The Mandal Revenue Officer, however, issued PPB to the petitioner in respect of Acs.2.12, duly rejecting his claim for the balance of Acs.1.08. He also submitted that the petitioner is not in possession of the property, which has already been assigned to twenty seven beneficiaries.

On that day, the learned Assistant Government Pleader sought time for filing counter. Thereafter, the matter was adjourned thrice and in spite of the same as well as today, the learned Assistant Government Pleader did not file counter.

The petitioner has placed before this Court a Xerox copy of the decree passed by the Court of District Munsif, Gudur, in O.S.No.278 of 1985 declaring his title in respect of the land admeasuring Acs.3.20 in Sy.No.18/2, which would prima facie show that he was declared by a civil Court as holder of title. However, as the suit was for declaration of title as well as recovery of possession, no material is placed before this Court in proof of the allegation that the petitioner is in possession of the land. The learned Assistant Government Pleader, further, on instructions, submitted that the petitioner was issued PPB in respect of the land admeasuring Acs.2.12. Therefore, the Mandal Revenue Officer can again verify the physical position as to whether the petitioner is in possession of the land admeasuring Acs.1.08 out of Acs.3.20 in Sy.No.8/2. If the petitioner is found to be in possession, needless to mention; the respondents have to follow due process for evicting the petitioner. These observations would be sufficient redressal to the petitioner.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

29th March, 2007.
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